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White ([1901] 2 K. B. 669). The important subject of legal cause is not adequately covered by the two cases under "Damage Caused by the Intervention of Third Party" and whatever else may be scattered in the cases under "Negligence." The selection of *Heaven v. Pender* (L. R. 11 Q. B. D. 503), with its much criticised rule by Brett, M. R., as the leading case in negligence seems unfortunate. *Thomas v. Winchester* (6 N. Y. 397), is printed as dealing with a point in the law of negligence not covered by English authority. We fail to see why *Winterbottom v. Wright* (10 M. & W. 109), and *George v. Skivington* (L. R. 5 Ex. 1), are not in point on the liability of the vendor of chattels to a third person. On the whole, however, the cases have been carefully selected, especially those on defamation, the few notes are thorough and well written, and the mechanical features of the book are excellent.

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CODE REMEDIES: Remedies and Remedial Rights by the Civil Action According to the Reformed American Procedure. A Treatise Adapted to Use in all the States and Territories where that System Prevails. By John Norton Pomeroy. Fourth Edition. Revised and Enlarged by Thomas A. Bogle. Boston: Little, Brown, and Company. 1904. pp. clxx, 983. 8vo.

The candid student will admit that the old common law system of procedure had a number of technical rules, the enforcement of which often resulted in gross injustice to litigants. Far too often technicalities were the cause of costly and trying delays and even final dismissals without a determination of the merits. It is not surprising, therefore, that the suggestion of a reformed procedure, when first agitated, should have found many ardent supporters. One of the best exponents of the reform idea was John Norton Pomeroy, whose work on the subject of code remedies appeared in 1876, followed by second and third editions from his own hand in 1883 and 1894. The great enthusiasm of the author, combined with his legal ability and vigorous style, produced a very interesting and useful book.

It is believed that the author succeeded in establishing that a reformed system of procedure, eliminating most of the defects of the old system, is possible; it is only necessary to refer to the existing reformed system in England to demonstrate that it is feasible. But that uniform success has been attained in those states of this country that have legislated on the subject may be doubted. Notwithstanding the optimism of the author, a careful consideration of the differences and narrow restrictions that have resulted from judicial interpretation principally induced by common-law ideas of procedure—and these differences and restrictions may easily be found pointed out even in the discussions and citations of this work—is enough to lead the reader to the conviction that, while the author's exposition of what the reformed system should be is admirable and convincing, the actual system developed from the statutory enactments by judicial decision is deplorably disappointing. Nevertheless, in view of the existence of the reformed system of procedure in a large number of the states, a treatise as well written and as sound in its exposition as Mr. Pomeroy's book, if by reason of its completeness it recommends itself to the constant attention of the practitioner, may serve a very useful purpose in inducing a more reasonable view of code procedure; and this is a full justification for the present edition of the work.

The editor has omitted the portion of the author's introduction which dealt with historical and theoretical considerations of procedure. He has also left out occasional discussions of common law procedure which, in former editions, appeared at infrequent intervals throughout the author's text. Otherwise, with slight exception, the text, as it appeared in the author's last edition, remains intact. The editor's attention has been directed to the notes. These have been materially increased by citations of new cases and the revision of the references to statutes. In a number of instances the editor has added explanatory and illustrative notes of a helpful character. In one instance an addition, which consists in a summary and classification of cases dealing with necessary

allegations and their forms, amounts practically to a new chapter. The revision of the index makes it somewhat more extensive, while a substantial elaboration in the details of the table of contents makes it much more valuable. Another useful change is the insertion of black-lettered titles to the individual sections.

C H. O.

NOTES TO THE SPANISH CIVIL CODE showing changes effected by American legislation, with citation of cases from Philippines Supreme Court. By Charles A. Willard. Manila: E. C. McCullough & Co., Inc. 1904. pp. xi, 106. 8vo. With which is bound a Translation of the Civil Code in force in Cuba, Porto Rico, and the Philippines. Division of Customs and Insular Affairs. War Department. Washington: Government Printing Office. 1899. pp. vi, 322. 8vo.

At the time of the occupation of the Philippines by the United States in 1898 the law in force upon the islands was derived chiefly from the Spanish Civil Code, which had been effective there since 1889. In 1901, however, the Philippine Commission enacted a Code of Civil Procedure in Civil Actions, many of the provisions of which superseded the provisions of the Spanish Code. Changes in methods of administration and in the functions of public officials, introduced by acts of Congress and by independent orders of the Philippine commissions, likewise operated to alter materially the effect of many articles of the code which were applicable originally to conditions under the Spanish domination. It is the purpose of Mr. Justice Willard's work to note the instances in which the Spanish law has thus been repealed, or modified by necessary implication. Each article of the code is taken up separately, and those which have been abrogated, or limited in effect, are commented upon. The authorities upon which the annotation is based comprise the two codes, the acts of Congress and the commissions, and the works of the Spanish commentators, Manresa and Alcubilla. There are also frequent references to the decisions of the Philippines Supreme Court, of which Mr. Willard is a member. The statements of the author often follow manifestly from a comparison of the civil code with subsequent legislation; and where they do not, they seem to be founded on sound logic and consistent with the little authority available. The comments are concise, and the result of the discussion is stated clearly at the conclusion of each article. For convenience of reference a copy of the civil code is bound with the notes. Coming as it does from one in authority the work should prove a valuable aid in overcoming the difficulties attendant upon the practice of such a complex system of law as exists in the Philippines.

THE LAW OF TORTS: A Treatise on the Principles of Obligation Arising from Civil Wrongs in the Common Law: to Which is Added the Draft of a Code of Civil Wrongs Prepared for the Government of India. By Frederick Pollock. Seventh Edition. London: Stevens and Sons, Limited. 1904. pp. xxxviii, 679. 8vo.

The present edition of this standard text-book was called forth by the decision of the House of Lords in *Quinn v. Leatham*, just as its predecessor, the sixth edition, owed its justification to the case of *Allen v. Flood*. Practically the only changes made in the text in the last two editions have been in the section where the general principles involved in these two cases are discussed. The changes made in the law by *Quinn v. Leatham* and recent decisions of the Court of Appeal on allied topics are pointed out in the present volume with clearness. The eminent author still believes that motive is not a determining factor under the present English law, and that the element of combination has not the importance it is believed by some to possess, and was not the distinguishing feature of *Quinn v. Leatham*. He adheres to the opinion expressed in the sixth edition that "a special right not to be disturbed in one's business is not known